

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GEICO GENERAL INSURANCE COMPANY	:	
a/s/o Brian Straub	:	
	:	Civil Action No.: 1:20-cv-11811
v.	:	
	:	
FEDERAL BUREAU of INVESTIGATION	:	

COMPLAINT AND JURY DEMAND

Plaintiff, Geico General Insurance Company (hereinafter “Geico”), as subrogee of Brian Straub, as and for its Complaint and Jury Demand, alleges as follows:

JURISDICTION AND VENUE

1. Plaintiff, GEICO, is a duly organized foreign corporation with a principal office located at 5260 Western Avenue, Chevy Chase, MD 20815, and is duly authorized to issue policies of insurance in the Commonwealth of Massachusetts.
2. The Defendant, the Federal Bureau of Investigation (hereinafter “F.B.I.”), is a law enforcement agency operating under the jurisdiction of the United States Department of Justice, with a local office at 201 Maple St., Chelsea, MA 02150.

GENERAL ALLEGATIONS

3. The Plaintiff’s insured, Brian Straub (hereinafter “Straub”), is a resident of the Commonwealth of Massachusetts and resides at 335A Lincoln St., Waltham, MA 02451.
4. At all relevant times hereto, GEICO provided insurance to Straub for his 2017 Mazda 3 (MA Reg No. 2VYR51), under policy number 4575079415, effective on the date of the incident in question.
5. On or about May 8, 2019, Straub was operating his vehicle with the right of way on Boston Post Road, in Weston, MA.

6. At the same time and place, Defendant's employee, Tiffany Galas, (hereinafter "Galas"), was operating a vehicle owned by the Defendant on Wellesley Street in Weston, MA.
7. Galas was operating the Defendant's vehicle with its consent and within the course and scope of her employment.
8. Galas pulled from a stop sign on Wellesley St. to take a left turn onto Boston Post Rd., colliding with Straub's vehicle and causing property damage.
9. Straub made an insurance claim to GEICO to pay for repairs to his vehicle and substitute transportation arising from the motor vehicle accident.
10. As a result of the damages suffered and pursuant to the terms of the Policy, GEICO paid to or on behalf of Straub the sum of \$12,346.50.
11. At all times relevant, GEICO was, and is, the actual and bona fide subrogee of Straub, having made payments to Straub pursuant to his insurance policy.
12. Pursuant to the Federal Tort Claims Act, Plaintiff sent proper notice of this claim to the Defendant on January 14, 2020 [See Exhibit 1].
13. In a letter dated May 12, 2020, Defendant denied liability for this loss [See Exhibit 2].

COUNT I – NEGLIGENCE

14. Plaintiff hereby re-alleges each and every allegation contained within paragraphs 1 through 13 as it specifically sets forth herein.
15. On or about May 8, 2019, Galas owed a duty of reasonable care in the operation of the Defendant's motor vehicle, which included granting the right of way to approaching vehicles on the roadway.
16. Galas breached that duty when she failed to use caution when pulling from a stop sign and struck Straub's vehicle, who had the right of way.

17. The damage to Straub's vehicle was directly and proximately caused by the acts and/or omissions of the Defendant, through its employee Galas.
18. As a result of the damages suffered and pursuant to the terms of the Policy, GEICO paid to or on behalf of the Insured the sum of \$12,346.50 for property damage collision coverage and rental expenses.
19. By virtue of the payments made to Straub in accordance with the terms and conditions of the Policy, GEICO is subrogated to the rights and causes of action of Straub against the part or parties responsible for the motor vehicle accident and resulting damages.

WHEREFORE, Plaintiff seeks a judgment against the Defendant in the amount of its actual damages, plus interest, costs, attorney's fees allowable by law, and for any other relief that this Court deems just and equitable.

REQUEST FOR JURY TRIAL

The plaintiff, GEICO, demands a trial by jury on all triable issues.

Plaintiff,
GEICO General Insurance Company,
By its Attorney,

Kate Leahy

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Dated: October 3, 2020